

REMARKS

A. Background

Claims 1-13 and 15 were pending in the application at the time of the Office Action. Claims 1-11 were allowed. Claims 12, 13 and 15 were rejected as being anticipated by cited art. By this response applicant has amended claim 12 and added new claims 16-20. As such, claims 1-13 and 15-20 are presented for the Examiner's consideration in light of the following remarks.

B. Examiner Interview

Applicant would like to thank the Examiner for the courtesy of the telephone interview conducted on April 16, 2008. During the interview, the meaning of the word "cable" was discussed as it applies to the rejected claim 12. The examiner opined that when construed broadly the word "cable" can mean one or a few fibers and as such simply stating that the fibers are disposed in separate "cables" is not enough to overcome the rejection. The examiner suggested that amending the claim to require the waveguides to be variably spaced with respect to each other or spaced far enough apart would likely overcome the cited art. The Examiner also stated that because the outstanding office action is a final action, such an amendment would need to be accompanied by a Request for Continued Examination (RCE). No formal agreement was reached during the interview.

C. Proposed Claim Amendments

Applicant has herein amended claim 12 to further clarify, more clearly define, and/or broaden the claimed invention to expedite receiving a notice of allowance. Specifically, claim 12 has been amended to recite that the first and second cables are arranged "in a zig-zag" spaced

apart relationship. Applicant has also added new claims 16-20 which depend from claim 12. The amendments to the claims are supported in the specification at least by Figure 2 and page 7, lines 21-28; page 10, lines 20-32; and page 15, lines 4-15. In view of the foregoing discussion, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

D. Anticipation Rejection

Paragraph 8 of the Office Action rejects claims 12, 13 and 15 under 35 USC § 102(b) as being anticipated by PCT Application WO 00/37925 to Tapanes et al. ("*Tapanes*"). Of the rejected claims, claim 12 is the sole independent claim. Applicant respectfully traverses this rejection and submits that *Tapanes* does not anticipate the rejected because *Tapanes* does not include each and every claim limitation recited in the rejected claims.

Tapanes is directed to an apparatus and method for monitoring a structure. The apparatus comprises a number of fibers through which a counter-propagating light signal is passed and then monitored to determine when and where along the fiber an external event occurs. See Abstract.

Referring to the Figure 3 of *Tapanes* cited by the Office Action, a number of fibers are disclosed, including the three fibers (10a, 10c, and 14) cited in the Office Action. Fibers 10a, 10c and 14 are used to allow light to travel out from the light source and then back to the detectors which are at the same end of the fibers as the light source. See pages 23-24 of *Tapanes*. However, although *Tapanes* teaches using three separate fibers, Applicant submits that *Tapanes* fails to teach those fibers (or any other fibers) being disposed in separate spaced-apart cables. In fact, the only teaching in *Tapanes* regarding the spacing of the separate fibers is that they are bundled together in a single cable housing. See, e.g., Figure 8 and the corresponding

discussion of *Tapanes*. As such, the separate fibers of *Tapanes* are spaced close together throughout the single cable housing.

Because *Tapanes* discloses the separate fibers as being in the same cable housing, Applicant submits that *Tapanes* does not disclose “**the first and second cables being arranged ... in a zig-zag spaced apart relationship relative to one another..**” as recited in amended claim 12. Claims 13 and 15 depend from claim 12 and thus incorporate the limitations thereof. As such, applicant submits that claims 13 and 15 are distinguished over the cited art for at least the same reasons as discussed above with regard to claim 12. Accordingly, Applicant respectfully requests that the anticipation rejection of claims 12, 13, and 15 be withdrawn.

No other objections or rejections are set forth in the Office Action.

E. Allowable Subject Matter

The Office Action specifically allows claims 1-11. Applicant wishes to thank the Examiner for the careful review and allowance of these claims.

F. New Claims

New claims 16-20 depend from claim 12 and thus incorporate the limitations thereof. As such, Applicant submits that claims 16-20 are in allowable condition for at least the same reasons set forth above regarding claim 12.

G. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that

many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully thanks the Examiner for the allowance of claims 1-11 and requests the Examiner's reconsideration and allowance of claims 12, 13 and 15-20 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 23rd day of April 2008.

Respectfully submitted,

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